RECEIVED FEDERAL ELECTION COMMISSION

2010 SEP -7 AM 11: 36

OFFICE OF GENERAL COUNSEL

To: Mr. Jeff Jordan From: James Sleam Date: August 30, 2010

Re: MUR 6353

Dear Mr. Jordan:

I am the Campaign Manager for the Jim Renacci for Congress campaign committee and I am writing in response to the letter we received from your office on August 23, 2010, regarding MUR 6353. Having now mocived and reviewed a copy of the complaint filed by the Boceieri for Congress campaign committee in this matter, I am henchy submitting the below information which demonstrates that at no time was either the Renacci for Congress campaign or its Treasurer, Lisa Evangelista, in violation of the Federal Election Campaign Act. Following your review of the information provided below, I ask that the FEC dismiss the complaint, which was erroneously filed in this matter.

## THE ALLEGATIONS

(1) The complaint filed by the Boccieri campaign alleges that the Renacci for Congress campaign "accepted prohibited in-kind contributions from SES and Morgan Enterprises, in connection with a fundraising event to be held at the Alliance Country Club in Alliance, OH on August 12, 2010", as the basis for its action in this matter.

In support of its allegation, the Boccieri campaign alleges that the Renacci for Congress eampaign received an in-kind corporate contribution from a corporation identified in the complaint as "SES" (Steele Equipment Specialists). The complaint states that, "Because an SES employee is collecting RSVPs for the event, SES should have been paid in advance for the employee's time. In addition, corporations are prohibited from receiving and forwarding entenedted contributions to candidates or their authorized committees."

(2) The complaint further alleges that the invitation did not contain a "paid for by" disclaimer, and therefore violated C.F.R. 110.11.

At the core of the complaint filed by the Boccieri campaign, three factual assumptions were made, all of which proved to be false.

(1) First, the complaint asserts that the Renacci campaign either created and/or authorized the invitation identified as "Exhibit One" and is therefore responsible

- for its content. However, as is demonstrated below, the Renacci campaign neither created nor authorized the invation and played no role in crafting its content.
- (2) Second, the complaint asserts that SES is a "corporation", and therefore is prohibited from making in-kind contributions, which the complaint amounts occurred when an SES employer, sent out the invitation and directed RSVPs and donations to be sent to SES's address. However, as demonstrated below, SES is in fact not a corporation but rather a partnership Limited Liability Company, which is not subject to the contribution prohibitions the govern corporations.
- (3) Third, the complaint asserts that the invitation itself was in violation of C.F.R. 110.11 because it did not include a "paid for by" disclaimer. However, as is clearly stated in the applicable section of C.F.R. 110.11, the disclaimer is only required for "public consecutionisms", which are defined at a communication sent to at least 500 individuals or more. However, as demandated below, the invitation sent out by SES was sent to fewer than 100 individuals—and therefore would not constitute a "public communication" pursuant to C.F.R. 110.11.

For the reasons set forth below in the FACTS, it is clear that the Boccieri campaign's baseless allegations were born out of its own carelessness at best, or politically motivated malice at worst, and therefore should be dismissed without delay.

#### THE FACTS

- As stated in the attached signed affidavit (EXHIBIT A), the invitation for
  this event was not created, approved or authorized by the Renacci for
  Congress campaign. Rather, the invitation was created and sent out
  Brooke McCarty, who is an employee of Steel Equipment Specialists
  (SES), LLC. At no time did the Renacci for Congress campaign review,
  revise, edit or authorize the invitation. Furthermore, Morgan Engineering,
  which is also named in the complaint, had no involvement in the crafting
  or distribution of the invitation.
- 2. As stated in the attached affidavit (EXHIBIT A) and Articles of Incorporation (EXHIBIT B), the Bencinci compaign successful librarial SES a "corporation", when it foot SES is a partnership LLC, which are not subject to the contribution probibitions that govern corporations. Consequently, the allegation that the invitation crafted and sent out by Brooke McCarty of SES constitutes an in-kind corporate contribution is clearly unsupported by the facts.
- 3. As stated in the attached affidavit (EXHIBIT A), the invitation to the event was distributed to fewer than 500 individuals. Pursuant to C.F.R. 110.11, a disclaimer is required for "Public Communications" or "Electioneering Communications". This invitation was clearly not a broadenst, calife or satellite communication and therefore was not an "Electionecring" Communication. If the invitation had been distributed to more than 500 recipient, it would qualify as a "Public Communication",

- however as is set forth in EXHIBIT A, the invitation were sent to between 95 and 190 individuals.
- 4. Furthermore, as is also set forth in EXHIBIT A, no contributions of any amount were ever collected prior to or during the event in question.

For the reasons set forth above, I ask that the complaint be dismissed and the matter be closed.

Sincerely,

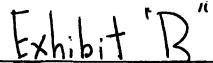
James Slepian

Campaign Manager, Renacci for Congress

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### **ARTICLES OF ORGANIZATION**

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